

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MELISSA OSTRANDER, Plaintiff)
v.) CIVIL ACTION NO. 04-30197-MAP
HUSSMANN CORPORATION,)
Defendant)

DEFENDANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT

Now comes the defendant and moves the court for summary judgment on plaintiff's failure to warn claim sounding in both negligence and breach of warranty. As grounds, on the undisputed facts in the pre-trial record the defendant is entitled to judgment as a matter of law. The defendant files herewith a memorandum of law and Rule 56(e) materials.

WHEREFORE, the defendant respectfully requests the court make findings under Fed. R. Civ. P. 56(d) and grant partial summary judgment on plaintiff's warning claims.

HUSSMANN CORPORATION,
Defendant

By John B. Stewart
JOHN B. STEWART
ROSS & ROSS, P.C.
121 State Street, Suite 201
Springfield, MA 01103
(413) 736-2725

"I HEREBY CERTIFY THAT A TRUE COPY OF THE
FOREGOING DOCUMENT WAS SERVED UPON EACH
PARTY APPEARING PRO SE AND THE ATTORNEY
OF RECORD FOR EACH PARTY BY MAIL, (IN HAND)
ON 10/14/05

John B. Stewart